

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DAVID NELSON,

Plaintiff,

v.

Civil Action No. 2:09-01108

JUDGE MICHAEL THORNSBURY,
Circuit Court for Mingo County,
C. MICHAEL SPARKS,
Prosecutor for Mingo County,
JIM GILLMAN, Investigator,
MARK HOBBS, Attorney at Law
JOHN W. MILAM, Chief Investigator,
West Virginia State Police,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley,
United States Magistrate Judge, who has submitted her Proposed
Findings and Recommendation pursuant to the provisions of 28
U.S.C. § 636(b)(1)(B).

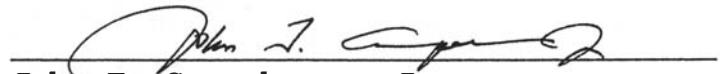
The court has reviewed the Proposed Findings and
Recommendation entered by the magistrate judge on September 17,
2010. The magistrate judge recommends dismissal of plaintiff's
complaint without prejudice for failure to prosecute. The
plaintiff has not objected to the Proposed Findings and
Recommendation. The court concludes the recommended disposition
is correct.

Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendation be, and it hereby is, adopted by the court; and
2. This action be, and it hereby is, dismissed without prejudice.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: October 5, 2010


John T. Copenhaver, Jr.
United States District Judge